

REMARKS

Claims 30-45 are pending. Claims 46-50 have been cancelled without prejudice or disclaimer, as being directed to non-elected subject matter, as Applicants confirm the election of Group I, i.e., claims 30-45. Applicants expressly reserve the right to file one or more divisional applications reciting subject matter recited by the now-cancelled claims, claiming the benefit of 35 USC §§ 119, 120 and 121..

I. Abstract

The Office Action objects to the abstract for formal matters. The abstract has been amended in accordance with the Examiner's instructions.

II. 35 USC § 112

A. First Paragraph

Claims 30-45 stand rejected under 35 USC § 112, first paragraph, as allegedly not enabling one of ordinary skill in the art to make the invention commensurate in scope to the claims. Specifically, the Office Action notes that the claims identified various components by atomic identity or function, without giving any further structural limitations. In response, the claims have been amended to further identify the components.

B. Second Paragraph

Claims 30-45 stand rejected under 335 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention.

1. Roman Numerals

The Office Action asserts claims 30, 31, 37-39 and 45 are unclear, due to the presence of Arabic and Roman numerals in identifying chemical groups. In response, the Roman numerals have been deleted, as suggested by the Examiner.

B. "Prolix"

The Office Action asserts certain features recited in claims 30, 35-38 (and apparently claims 39-44) are "prolix", since these features fail to limit the respective claims. Applicants respectfully present that each feature recited by the claims must be given its proper weight. For example, the alleged "prolix" of claim 30 (i.e., the last seven lines after "wherein"):

wherein the solid catalyst component precursor (C) is a trivalent titanium atom-containing solid product obtained by reducing a titanium compound (2) represented by the following formula,



wherein R¹ is a hydrocarbon group having 1 to 20 carbon atoms, X is a halogen atom, and "a" is a number satisfying $0 < a \leq 4$ with an organomagnesium compound (3) in the presence of an organosilicon compound (1) having an Si-O bond.

is expressed as a product-by-process feature. That is to say, although the particular method steps used to obtain the solid catalyst component (C) of the claims are not positively recited by the claims, the solid catalyst component recited by the claims must have the same features as if it had been obtained via the recited method. Thus, the alleged "prolix" recited by the claims do limit the process as these process-by-product description of the elements, thus limiting the processes performed on those elements. As required by MPEP § 2116, "[t]he materials on which a process is carried out must be accorded weight in determining the patentability of a process" (emphasis added).

III. 35 USC § 102

A. Claims 30-34 and 37

Claims 30-34 and 37 stand rejected under 35 USC § 102(b) as being anticipated by Matsuura I (U.S. Patent No. 4,822,763). The Office Action asserts that Example 1 of the reference teaches each feature of the rejected claims. In comparing the present independent claim to Example 1 of the reference, it appears that the following elements are presented:

<u>Claim 30</u>	<u>Example 1</u>
solid organic precursor (C) made by reacting	
titanium compound (2)	Ti(O-nC ₄ H ₉) ₄
organosilicon compound (1)	methylhydropolysiloxane
organomagnesium compound (3)	missing (see below)

However, in Example 1 of the reference, the magnesium compound used in the formation of the solid product is magnesium chloride. Thus, the Example does not utilize an organomagnesium compound (3) as recited by the present claims. Although claim 37 is independent, it also recites contacting a titanium compound with an organosilicon and an organomagnesium compound. Because Matsuura I does not teach each feature recited by the rejected claims, this reference cannot anticipate any of claims 30-34 and 37, either expressly or inherently.

B. Claims 38 and 45

Claims 38 and 45 stand rejected under 35 USC § 102(b) as being anticipated by Matsuura II (U.S. Patent No. 4,617,284). The Office Action asserts that Example 1 teaches each feature recited by these claims. However, the method of forming the precursor taught by this reference also lacks the organomagnesium compound (as MgCl₄ is used). Additionally, Example 1 of this reference does not include the titanium-halogen containing compound (D) in addition to a halogeno compound (A') of the 14 group of elements as recited by the present claims. Because Matsuura I does not teach each feature recited by the rejected claims, this reference cannot anticipate any of claims 30-34 and 37, either expressly or inherently.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,



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